



Indiana Department of Environmental Management

Office of Water Management

Rule Fact Sheet

July 12, 2000

Development of New Rules Concerning Industrial Wastewater Pretreatment

LSA Document #00-112

Overview

The Indiana Department of Environmental Management (IDEM) has developed new rules to be presented to the Water Pollution Control Board on April 12, 2000, for consideration of preliminary adoption concerning industrial wastewater pretreatment.

Citations Affected

This rulemaking adds new rules 327 IAC 5-16, 327 IAC 5-17, 327 IAC 5-18, 327 IAC 5-19, 327 IAC 5-20, and 327 IAC 5-21 and repeals 327 IAC 5-11, 327 IAC 5-12, 327 IAC 5-13, 327 IAC 5-14, and 327 IAC 5-15.

Affected Persons

This rule will affect all industrial facilities that discharge wastewater to publicly owned treatment works (POTW).

Reason(s) for the Rule

The U. S. Environmental Protection Agency (EPA) requires states to have an effective rule that complies with federal guidelines concerning industrial wastewater pretreatment in order for a state to receive delegation to administer the pretreatment program. IDEM has been conducting the state's industrial wastewater pretreatment program with federal oversight and intends to undertake full delegation for the program when these rules are effective.

Economic Impact of the Rule

The requirements of these rules follow the currently enforced federal guidelines and will cause no greater economic burden to industrial wastewater pretreatment dischargers than has been incurred to date.

Benefits of the Rule

These rules establish state requirements for the protection of POTW~~s~~ from industrial contributions of wastewater that may be incompatible with the treatment processes of a POTW thereby creating treatment plant upset or may pass through a POTW without receiving treatment. Either potential would pose a detrimental situation for the POTW and the water quality of its receiving stream.

Description of the Rulemaking Project

This rulemaking was initiated with first notice publication on July 1, 1996. IDEM is pursuing completion of the rulemaking and, ultimately, full industrial pretreatment delegation from EPA. The draft pretreatment rules were published in the Indiana Register for a second comment period on February 1, 2000. The proposed rules were not substantially different than the published draft rules; therefore, IDEM did not open a third comment period.

Scheduled Hearings

First Public Hearing: April 12, 2000, at the WPCB meeting held at the Indiana Government Center South.

Second Public Hearing: July 12, 2000, at the WPCB meeting held at the Indiana Government Center South.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.

- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Water Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/ hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule becomes effective 30 days after filing with the Secretary of State.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from MaryAnn Stevens, Rules Section, Office of Water Management, (317) 232-8635 or (800) 451-6027 (in Indiana).